

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

PLANNED PARENTHOOD)
GREATER MEMPHIS REGION and)
PLANNED PARENTHOOD OF MIDDLE)
AND EAST TENNESSEE,)
Plaintiffs,)
v.) No. 3:12-cv-00139
JOHN J. DREYZHNER, Commissioner,) Chief Judge Haynes
Tennessee Department of Health)
Defendant.)

O R D E R

Plaintiffs, Planned Parenthood Greater Memphis Region (“PPGMR”) and Planned Parenthood of Middle and East Tennessee (“PPMET”), filed action under 42 U.S.C. § 1983 against Defendant John J. Dreyzhner, Commissioner of the Tennessee Department of Health (“TDOH”). Plaintiffs asserted violations of their First Amendment rights to associate and engage in constitutionally protected activities, as well as their rights under the Equal Protection Clause of the Fourteenth Amendment. Plaintiffs’ claims arose from their revocations of the successful competitive bids for federal grants for programs to prevent the transmission of HIV/AIDS and for Syphilis Elimination. In earlier proceedings, the Court granted Plaintiffs’ motion for a preliminary injunction. (Docket Entry No. 30). The Court later granted Plaintiffs’ motion for permanent injunction. (Docket Entry No. 59).

Before the Court is Plaintiffs’ motion for attorneys’ fees and costs under 42 U.S.C. § 1988(b), Fed. R. Civ. P. 54, and Local Rule 54.01, seeking \$199,051.91 in fees and costs. (Docket Entry No. 61). In response (Docket Entry No. 66), Defendant contends that the court should award

Plaintiffs no more than \$169,244.28 in fees and costs, to which Plaintiffs filed a reply. (Docket Entry No. 69). Plaintiffs then filed a motion to amend their original motion for attorneys' fees and costs, seeking an award of \$184,138.09 in fees and costs (Docket Entry No. 70) that the Court granted (Docket Entry No. 72). Defendant filed a notice of no opposition to Plaintiffs' motion to amend their motion for attorneys' fees and costs (Docket Entry No. 71), asserting that the Defendant does not oppose Plaintiffs' request for an award of \$184,138.09 in attorneys' fees and costs.

The Court has independently reviewed the motion and supporting papers. The hours expended and rates charged by Plaintiffs' attorneys are reasonable, and the expenses requested are recoverable. Accordingly, Plaintiffs' unopposed motion for attorneys' fees and costs (Docket Entry No. 61) is **GRANTED**. Plaintiffs are **AWARDED** one hundred eighty-four thousand one hundred thirty-eight dollars and nine cents (\$184,138.09) in attorneys' fees and costs.

It is so **ORDERED**.

ENTERED this the 14th day of May, 2013.



WILLIAM J. HAYNES, JR.
Chief Judge
United States District Court